IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.7979 OF 2006

The Textile Committee .... Petitioner
Vs.
Roopjyot Engineering Pvt. Ltd. & Anr. .... Respondents

Shri V. Tulzapurkar, Senior Advocate i/b M/s. Amarchand & Mangaldas & S.A. Shroff & Co. for the Petitioner.

Ms Ranjana Parikh for the Respondent No.2.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: DECEMBER 15, 2006

P.C:

Heard. The concurrent findings arrived at by the Courts below i.e. the trial Court as well as the lower Appellate Court are sought to be challenged solely on the ground that the respondents had earlier admitted that the Union of India is the tenant in respect of the suit premises. Both the Courts have found the said contention to be devoid of substance and on detail analysis of all the materials on record have held that there is nothing on record to show that the Union of India is the tenant in respect of the suit premises and on the contrary, the petitioner, which is a statutory Corporation under the Central Act, is the tenant and does not enjoy for protection under the provisions of the Maharashtra Rent Control Act, 1999 in relation to

the termination of tenancy. The said finding arrived at on the basis of the materials on record and in due exercise of jurisdiction by the Courts below and the petitioner being unable to point out any material on record which discloses the said finding to be contrary to the factual position or that being perverse, there is no case for interference in writ jurisdiction under Article 227 of the Constitution of India. Hence there is no case made out for interference in the impugned order, ordering eviction of the petitioner on the basis of the case for eviction being clearly established by the respondents. Hence, the petition fails and is dismissed. However, the execution of the eviction order shall stand stayed till 31-1-2007.

(R.M.S. Khandeparkar, J.)

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